

1 ROB BONTA  
Attorney General of California  
2 ALEXANDRA M. ALVAREZ  
Supervising Deputy Attorney General  
3 KAROLYN M. WESTFALL  
Deputy Attorney General  
4 State Bar No. 234540  
600 West Broadway, Suite 1800  
5 San Diego, CA 92101  
P.O. Box 85266  
6 San Diego, CA 92186-5266  
Telephone: (619) 738-9465  
7 Facsimile: (619) 645-2061

8 *Attorneys for Complainant*

9  
10 **BEFORE THE**  
**MEDICAL BOARD OF CALIFORNIA**  
11 **DEPARTMENT OF CONSUMER AFFAIRS**  
12 **STATE OF CALIFORNIA**

13 In the Matter of the Accusation Against:

Case No. 800-2020-069878

14 **PAUL EDWARD VERHOEVE, M.D.**  
1240 Broadway, Suite 201  
15 El Cajon, CA 92021

**A C C U S A T I O N**

16 **Physician's and Surgeon's Certificate**  
17 **No. A 45358,**

Respondent.

18  
19  
20 **PARTIES**

21 1. William Prasifka (Complainant) brings this Accusation solely in his official capacity  
22 as the Executive Director of the Medical Board of California, Department of Consumer Affairs  
23 (Board).

24 2. On or about October 3, 1988, the Medical Board issued Physician's and Surgeon's  
25 Certificate No. A 45358 to Paul Edward Verhoeve, M.D. (Respondent). The Physician's and  
26 Surgeon's Certificate was in full force and effect at all times relevant to the charges brought  
27 herein and will expire on July 31, 2022, unless renewed.

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**JURISDICTION**

3. This Accusation is brought before the Board, under the authority of the following laws. All section references are to the Business and Professions Code (Code) unless otherwise indicated.

4. Section 2227 of the Code states, in pertinent part:

(a) A licensee whose matter has been heard by an administrative law judge of the Medical Quality Hearing Panel as designated in Section 11371 of the Government Code, or whose default has been entered, and who is found guilty, or who has entered into a stipulation for disciplinary action with the board, may, in accordance with the provisions of this chapter:

(1) Have his or her license revoked upon order of the board.

(2) Have his or her right to practice suspended for a period not to exceed one year upon order of the board.

(3) Be placed on probation and be required to pay the costs of probation monitoring upon order of the board.

(4) Be publicly reprimanded by the board. The public reprimand may include a requirement that the licensee complete relevant educational courses approved by the board.

(5) Have any other action taken in relation to discipline as part of an order of probation, as the board or an administrative law judge may deem proper.

...

5. Section 2234 of the Code, states, in pertinent part:

The board shall take action against any licensee who is charged with unprofessional conduct. In addition to other provisions of this article, unprofessional conduct includes, but is not limited to, the following:

(a) Violating or attempting to violate, directly or indirectly, assisting in or abetting the violation of, or conspiring to violate any provision of this chapter.

...

6. Unprofessional conduct under Business and Professions Code section 2234 is conduct which breaches the rules or ethical code of the medical profession, or conduct which is unbecoming a member in good standing of the medical profession, and which demonstrates an unfitness to practice medicine. (*Shea v. Board of Medical Examiners* (1978) 81 Cal.App.3d 564, 575.)

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1           7.     Section 2236 of the Code states, in pertinent part:

2                 (a) The conviction of any offense substantially related to the qualifications,  
3                 functions, or duties of a physician and surgeon constitutes unprofessional conduct  
4                 within the meaning of this chapter [Chapter 5, the Medical Practice Act]. The record  
5                 of conviction shall be conclusive evidence only of the fact that the conviction  
6                 occurred.

7                 ...

8                 (d) A plea or verdict of guilty or a conviction after a plea of nolo contendere is  
9                 deemed to be a conviction within the meaning of this section and Section 2236.1.  
10                The record of conviction shall be conclusive evidence of the fact that the conviction  
11                occurred.

12           8.     Section 2239 of the Code states, in pertinent part:

13                 (a) The use or prescribing for or administering to himself or herself, of any  
14                 controlled substance; or the use of any of the dangerous drugs specified in Section  
15                 4022, or of alcoholic beverages, to the extent, or in such a manner as to be dangerous  
16                 or injurious to the licensee, or to any other person or to the public, or to the extent that  
17                 such use impairs the ability of the licensee to practice medicine safely or more than  
18                 one misdemeanor or any felony involving the use, consumption, or  
19                 self-administration of any of the substances referred to in this section, or any  
20                 combination thereof, constitutes unprofessional conduct. The record of the  
21                 conviction is conclusive evidence of such unprofessional conduct.<sup>1</sup>

22                 ...

23           9.     California Code of Regulations, title 16, section 1360, states, in pertinent part:

24                 (a) For the purposes of denial, suspension or revocation of a license pursuant to  
25                 Section 141 or Division 1.5 (commencing with Section 475) of the code, a crime,  
26                 professional misconduct, or act shall be considered to be substantially related to the  
27                 qualifications, functions or duties of a person holding a license if to a substantial  
28                 degree it evidences present or potential unfitness of a person holding a license to  
perform the functions authorized by the license in a manner consistent with the public  
health, safety or welfare. Such crimes, professional misconduct, or acts shall include  
but not be limited to the following: Violating or attempting to violate, directly or  
indirectly, or assisting in or abetting the violation of, or conspiring to violate any  
provision of state or federal law governing the applicant's or licensee's professional  
practice.

29                 ...

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32                 <sup>1</sup> There is a nexus between a physician's use of alcoholic beverages and his or her fitness  
33                 to practice medicine, established by the Legislature in section 2239, "in all cases where a licensed  
34                 physician used alcoholic beverages to the extent or in such a manner as to pose a danger to  
35                 himself or others." (*Watson v. Superior Court (Medical Board)* (2009) 176 Cal.App.4th 1407,  
36                 1411.)

**FIRST CAUSE FOR DISCIPLINE**

**(Use of Alcoholic Beverages to the Extent, or in a Manner, as to be Dangerous to Respondent, Another Person, or the Public)**

10. Respondent has subjected his Physician's and Surgeon's Certificate No. A 45358 to disciplinary action under sections 2227 and 2234, as defined by section 2239, subdivision (a), of the Code, in that he has used alcoholic beverages to the extent, or in such a manner, as to be dangerous or injurious to himself, another person, or the public, as more particularly alleged hereinafter:

11. On or about August 4, 2020, at approximately 7:30 p.m., Respondent was driving home from a restaurant when he crashed his vehicle into four parked cars. When police officers arrived shortly thereafter, they immediately noted Respondent smelled of alcohol, spoke with slurred speech, and had an unsteady gait. Respondent admitted drinking wine prior to driving and informed the officers that he was texting a patient that had a medical emergency at the time of the collision. After performing poorly on field sobriety tests, Respondent was placed under arrest for driving under the influence of alcohol. At approximately 9:13 p.m., two breath samples were obtained from Respondent that indicated he had a blood alcohol content of .21 and .20 percent.

12. On or about January 20, 2021, the San Diego City Attorney filed a criminal complaint against Respondent in the matter of *The People of the State of California v. Paul Edward Verhoeve*, San Diego County Superior Court Case No. M272570. The complaint charged Respondent with three misdemeanors, including (1) driving under the influence of alcohol, in violation of Vehicle Code section 23152, subdivision (a), (2) driving with a blood alcohol content level of 0.08 percent or more, in violation of Vehicle Code section 23152, subdivision (b), and (3) driving without a valid driver's license, in violation of Vehicle Code section 12500, subdivision (a).

13. On or about April 7, 2021, Respondent pled guilty to driving with a blood alcohol content level of 0.08 percent or more, in violation of Vehicle Code section 23152, subdivision (b), and was sentenced to five (5) years of probation, subject to various terms and conditions.

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**SECOND CAUSE FOR DISCIPLINE**

**(Conviction of a Crime Substantially Related to the Qualifications,  
Functions, or Duties of a Physician and Surgeon)**

14. Respondent has further subjected his Physician's and Surgeon's Certificate No. A 45358 to disciplinary action under sections 2227 and 2234, as defined by section 2236, of the Code, in that he has been convicted of a crime substantially related to the qualifications, functions, or duties of a physician and surgeon, as more particularly alleged in paragraphs 10 through 13, above, which are hereby incorporated by reference and realleged as if fully set forth herein.

**THIRD CAUSE FOR DISCIPLINE**

**(General Unprofessional Conduct)**

15. Respondent has further subjected his Physician's and Surgeon's Certificate No. A 45358 to disciplinary action under sections 2227 and 2234 of the Code, in that he has engaged in conduct which breaches the rules or ethical code of the medical profession, or conduct which is unbecoming to a member in good standing of the medical profession, and which demonstrates an unfitness to practice medicine, as more particularly alleged in paragraphs 10 through 13, above, which are hereby incorporated by reference and realleged as if fully set forth herein.

**DISCIPLINARY CONSIDERATIONS**

16. To determine the degree of discipline, if any, to be imposed on Respondent, Paul Edward Verhoeve, M.D., Complainant alleges that on or about January 2, 2003, in a prior disciplinary action entitled, *In the Matter of the Accusation Against Paul E. Ver Hoeve, M.D.*, Case No. 10-2001-124677, before the Medical Board of California, Respondent's license was suspended for a period of ninety (90) days, and placed on probation for a period of five (5) years subject to various terms and conditions of probation. Respondent completed probation in Case No. 10-2001-124677 on or about January 1, 2008, and that Decision is now final and incorporated by reference as if fully set forth herein.

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**PRAYER**

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Medical Board of California issue a decision:


1. Revoking or suspending Physician's and Surgeon's Certificate No. A 45358, issued to Respondent, Paul Edward Verhoeve, M.D.;

2. Revoking, suspending or denying approval of Respondent, Paul Edward Verhoeve, M.D.'s authority to supervise physician assistants and advanced practice nurses;

3. Ordering Respondent, Paul Edward Verhoeve, M.D., if placed on probation, to pay the Board the costs of probation monitoring; and

4. Taking such other and further action as deemed necessary and proper.

DATED: **SEP 16 2021**

  
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WILLIAM PRASIFKA  
Executive Director  
Medical Board of California  
Department of Consumer Affairs  
State of California  
*Complainant*

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